

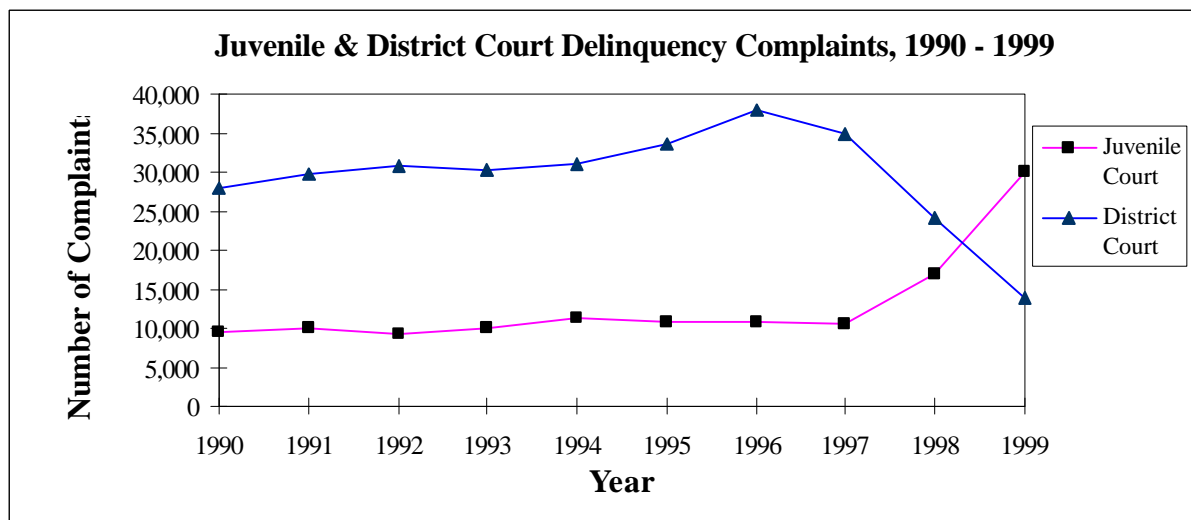
JUVENILES IN THE JUSTICE SYSTEM

JUVENILES PROCESSED IN MASSACHUSETTS' COURTS

In Massachusetts, a delinquent child is defined as “a child between seven and seventeen who violates any city ordinance or town by-law or who commits any offence against a law of the commonwealth” (MGL C.119, S. 52). Massachusetts has 69 divisions of the District Court Department and 11 divisions of the Juvenile Court Department, which oversee juvenile cases. The increase of juvenile court divisions, from four to eleven, is due to the legislatively mandated statewide expansion of the Juvenile Court Department. In Massachusetts, four branches of the trial court currently play a role in the juvenile justice system. The Juvenile Court has jurisdiction over delinquency, Children In Need of Services (CHINS), care and protection petitions, adult-contributing-to-the-delinquency-of-minor cases, adoption, guardianship, termination of parental rights proceedings, and youthful offender cases. The District Court also has jurisdiction over juvenile matters in the regions of the state without a Juvenile Court. On certain days, a district court judge sits in a separate courtroom and hears juvenile cases only. On regular court days, if a juvenile case is brought to the court, court officers clear the room of all observers to protect the juvenile’s privacy rights. The Superior Court has jurisdiction over some juvenile transfer cases. Lastly, the Probate Court has jurisdiction over civil actions concerning child abuse and neglect, as well as adjudicating divorce and custody matters between parents.

Overall, the total number of delinquency cases entered into Juvenile and District Courts in Massachusetts decreased by 14 percent from 1997 to 1998, and 3 percent from 1998 to 1999. However, delinquency cases entered in the Juvenile Courts increased 42 percent in 1998 and 76 percent in 1999 over the previous years, reflecting the recent increase in the number of juvenile courts. The juvenile delinquency cases entered in the District Courts decreased in 1998 by 29 percent over 1997 and by 45 percent in 1999 over 1998 (Massachusetts Supreme Judicial Court, 2000).

Figure 2-1.



Source: Massachusetts Supreme Judicial Court, 2000

While there was a substantial increase in the petitions filed and children represented in Care and Protection Cases in Juvenile Court in 1999 over 1998 (52 and 54 percent respectively, the number of Care and Protection cases received in the District Courts decreased 36 percent in 1999 (Massachusetts Supreme Judicial Court, 2000).

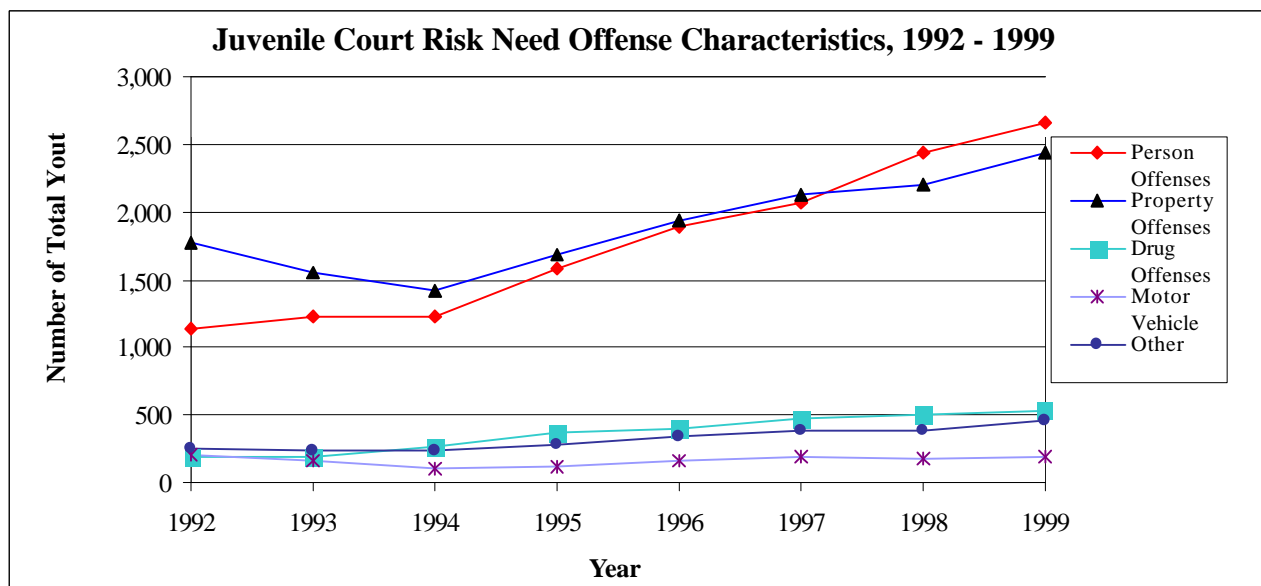
Overall, the total number of Children in Need of Services (CHINS) applications in the Juvenile and District Courts increased by 54 percent from 1998 to 1999. The number of CHINS applications in the Juvenile Court increased 39 percent in 1999. The number of CHINS applications received in the District Court decreased 45 percent in 1999 (Massachusetts Supreme Judicial Court, 2000).

JUVENILE PROBATION

The Office of the Commissioner of Probation operates two levels of supervision for juvenile offenders: administrative probation and risk/need probation. The court may place conditions and various levels of supervision on adjudicated delinquents. The Research and Planning Department of the Office of the Commissioner of Probation provides data on the number of juveniles on probation each year. The statistics are divided into categories of offense characteristics by percentage of the total population.

In Fiscal Year 1999, the Massachusetts Supreme Judicial Court reported 15,129 juveniles under probation supervision. The Office of the Commissioner of Probation provides detailed statistics for juvenile probationers based on the calendar year. As reported by the Office of the Commissioner of Probation, the percentage of juveniles (male and female) on probation for person offenses increased from 1992 to 1996, declined slightly in 1997, rose again in 1998, and remained steady in 1999. The percentage of youth on probation for property offenses has steadily decreased from 1992 to 1998, and remained unchanged in 1999. During this same time period, the percentage of juveniles on probation for drug offenses increased (6 to 9 percent), the percentage of juveniles on probation for motor vehicle theft decreased (6 to 3 percent), while the “Other” category has remained relatively stable.

Figure 2-2.



Source: Massachusetts Office of the Commissioner of Probation, 2000

The juvenile risk/need population has exhibited many of the behavioral dynamics that have been identified as contributing to delinquent behavior and escalating criminal behavior. Forty-three percent (43%) of male juveniles and almost one-third of female juveniles (31%) had a prior criminal record within the previous 5 years. Over three-quarters of the juvenile probationers were under the age of 15 years when they committed their first offense. Male and female juvenile probationers exhibit a similar degree of problems with school discipline, substance abuse, and peer relations. An overwhelming percentage of the male and female juvenile risk

need population also demonstrate a need for counseling (69% and 75% respectively) (Massachusetts Office of the Commissioner of Probation, 2000).

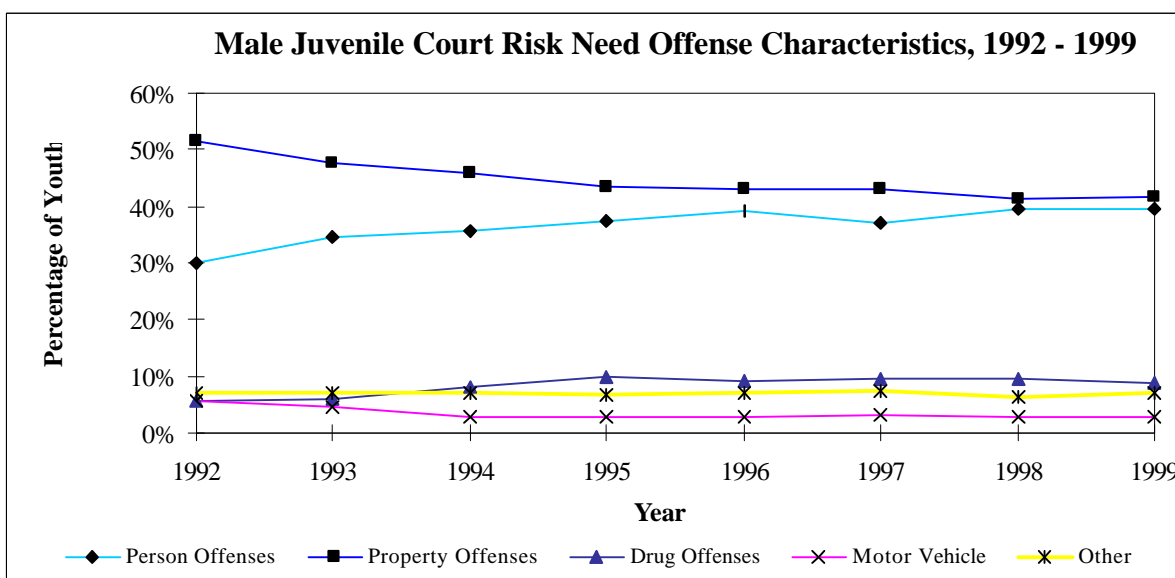
Table 2-1. Problems Exhibited by the Juvenile Risk/Need Population, 1999

Gender of Probationer	Prior Record Within the Past 5 Years	< 15 Years Old at First Offense	School Discipline Problem	Substance Abuse Problem	Peer Relation Problem	Counseling Need
Male	42.7%	80.3%	83.6%	62.9%	85.6%	69.1%
Female	31.4%	77.5%	86.3%	64.8%	82.8%	75.4%

Source: Massachusetts Office of the Commissioner of Probation, 2000

Between 1992 and 1999, the percentage of male juveniles receiving probation increased 66 percent, and increased 13 percent from 1998 to 1999. Between 1992 and 1999, the majority of crimes committed by juvenile males were property offenses, averaging 45 percent of the total crimes committed. In 1999, 42 percent of youth committed property offenses, representing a significant decline from 52 percent in 1992. From 1992 through 1999, the percentage of male juveniles that committed person offenses increased (30 to 39 percent).

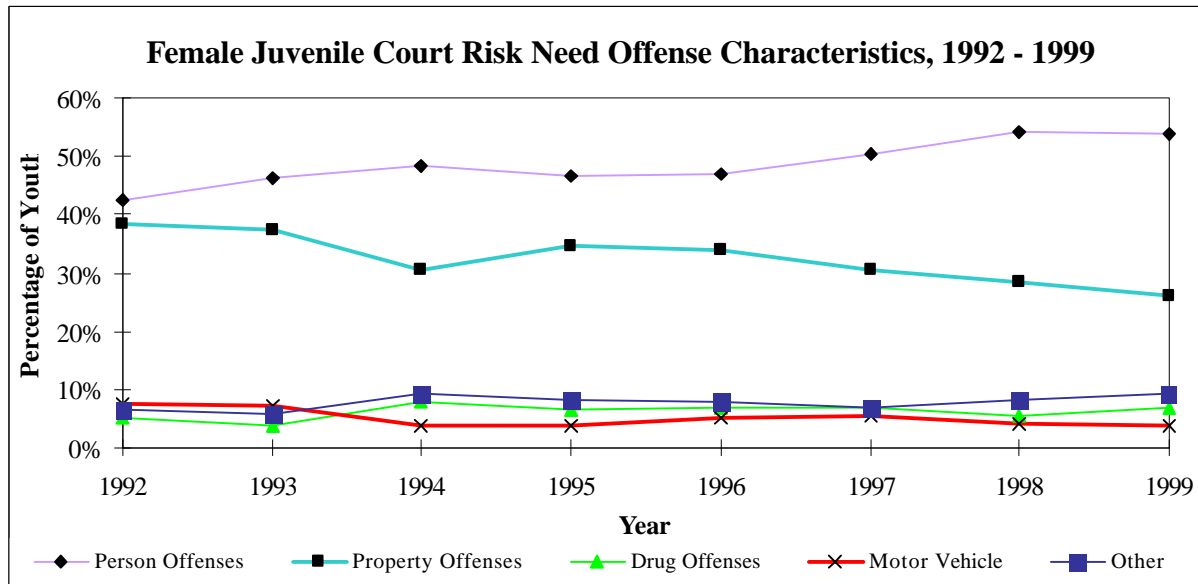
Figure 2-3.



Source: Massachusetts Office of the Commissioner of Probation, 2000

The number of female juveniles on probation increased from 1992 to 1999 by 142 percent. An examination of offenses by female juveniles from 1992 to 1999 indicates the majority of female probationers (54%) committed offenses against the person. Females receiving probation for offenses against the person has steadily increased from 43 percent in 1992, to 54 percent in 1999. From 1992 through 1994, the percentage of female juveniles receiving probation for property offenses decreased (38 to 31 percent), increased in 1995 (35%), and then continued a downward trend to 26 percent in 1999. The trend shows that the percentage of female juveniles on probation for person offenses and drug offenses continues to slowly increase while the percentage for females on probation for property offenses continues to slowly decline.

Figure 2-4.

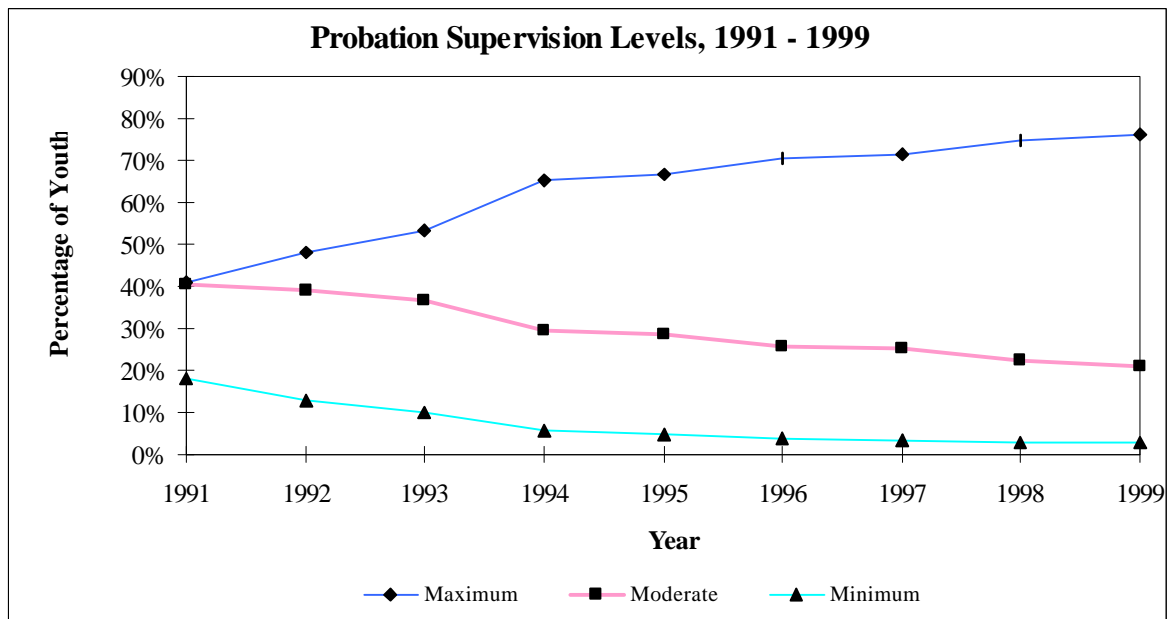


Source: Massachusetts Office of the Commissioner of Probation, 2000

The Office of the Commissioner of Probation provides data regarding the probation levels to which juveniles are assigned. The different levels indicate the level of contact the juvenile will receive with their probation officer. Maximum level probationers must meet with a probation officer every 2 weeks, Moderate level probationers are required to meet with a probation officer every 30 days, and Minimum level probationers have to meet with a probation officer every 90 days.

An examination of the data indicates the number of juvenile probationers with a Maximum level of supervision, has increased 35 percent in the years 1991 to 1999, while the levels Moderate and Minimum have decreased 20 and 15 percent respectively, during that same time period. The percentage of juveniles on probation with a maximum supervision level increased from 41 percent in 1991 to 76 percent in 1999. The percentage of juveniles on probation with a moderate level of supervision decreased from the 1991 level of 41 percent to 21 percent in 1999. The percentage of juveniles on probation with a minimum level of supervision decreased from 18 percent in 1991 to 3 percent in 1999.

Figure 2-5.



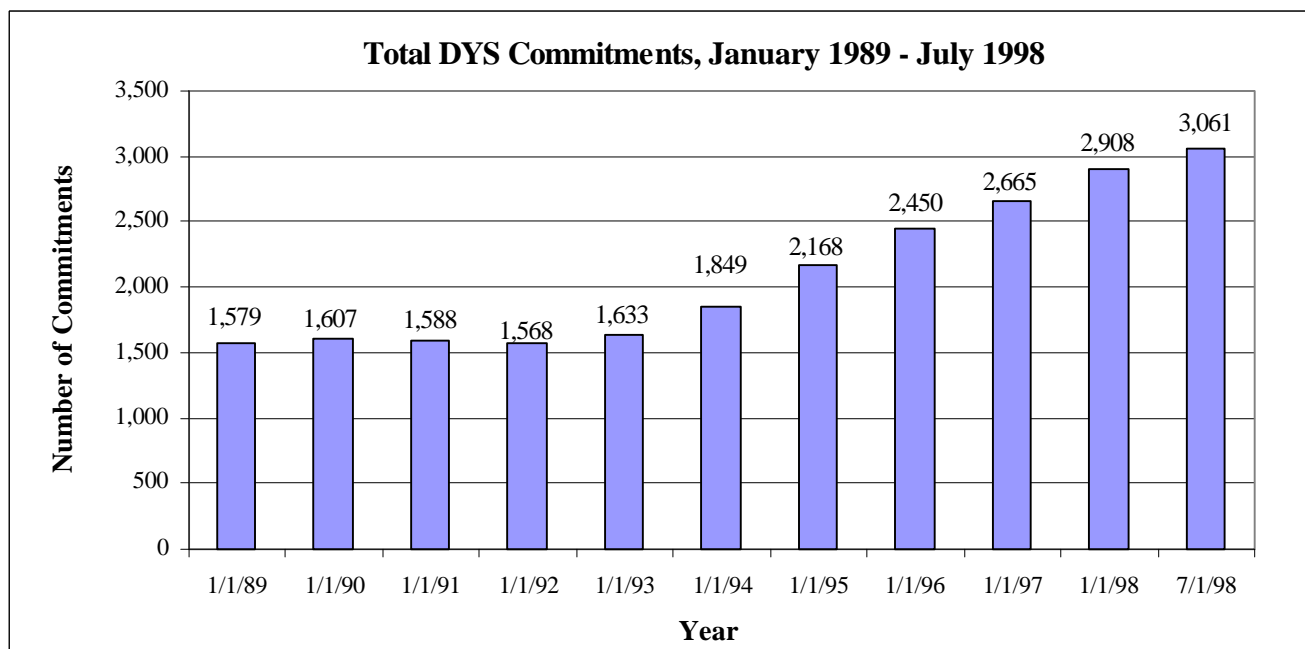
Source: Massachusetts Office of the Commissioner of Probation, 2000

COMMITMENTS TO THE DEPARTMENT OF YOUTH SERVICES (DYS)

The Massachusetts Department of Youth Services (DYS) is the juvenile correction agency for the Commonwealth. The agency professes its own dual mandate of community safety and the rehabilitation of adjudicated and committed juveniles, and operates 102 programs ranging from secure units to programs for youth serviced at home.

Commitments to the DYS increased 94 percent between 1989 and 1998. The number of commitments increased 15 percent in July 1998 from the previous 18 months. DYS reports that over half of the committed population (55%) were committed or recommitted to the department for a crime against the person. The population increase, between 1989 and 1998, may be attributed to three factors: the rise in the number of newly committed juveniles (830 to 1,413), an increase in the average length of commitment (23 months to 25 months), and a 385% increase in the number of juveniles whose commitment has been extended beyond their eighteenth birthday (Massachusetts Department of Youth Services, 1998).

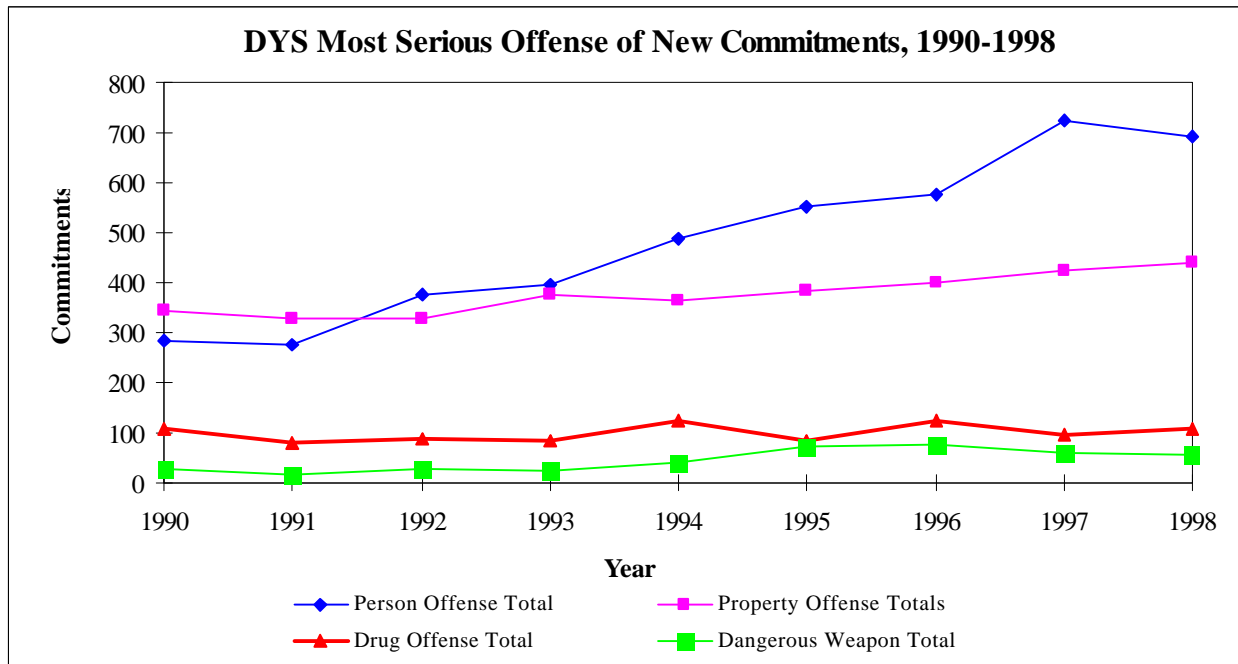
Figure 2-6.



Source: Massachusetts Department of Youth Services, 1998

According to the Massachusetts DYS, over the past five years, the largest number of commitments to DYS was for armed and unarmed assault. The ranking of the five highest commitments for 1998 were armed assault, unarmed assault, burglary, larceny, and drug distribution/possession. The number of commitments for offenses against persons decreased by 5 percent from January 1997 to July 1998, and commitments for property offenses increased by 3 percent. The number of commitments for drug offenses increased in July 1998 by 13 percent compared to January 1997 (Massachusetts Department of Youth Services, 1998).

Figure 2-7.

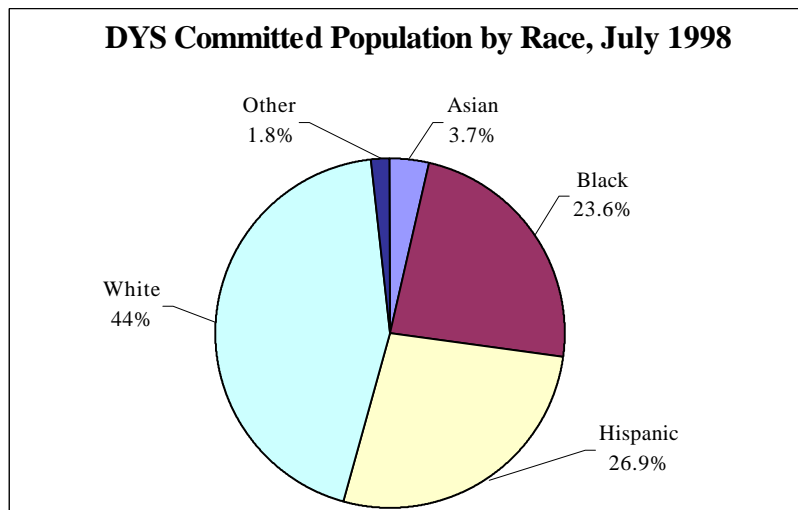


Source: Massachusetts Department of Youth Services, 1998

Between 1989 and 1998, on average, females represented 9.4 percent of total DYS commitments. This percentage has remained fairly constant during this period, fluctuating between 7 percent and 13 percent. The percent of females committed to DYS declined between 1989 and 1994 and then began to slowly increase to the current July 1998 figure. In 1998, 50 percent of committed females were white, 24 percent were African American, 22 percent were Hispanic, and 2 percent were Asian. The most serious offenses committed by females in 1998 were assault and battery (28 percent of the female population), followed by assault with a weapon (23 percent), larceny less than \$100 (9 percent), and robbery (4 percent) (Massachusetts Department of Youth Services, 1998).

In 1998, the breakdown of race for the DYS committed population was 54.2 percent minorities, 44 percent white, and 1.8 percent other. Hispanic youth accounted for the largest percentage (27%) of the minority population, followed by African American youth (24%) (Massachusetts Department of Youth Services, 1998).

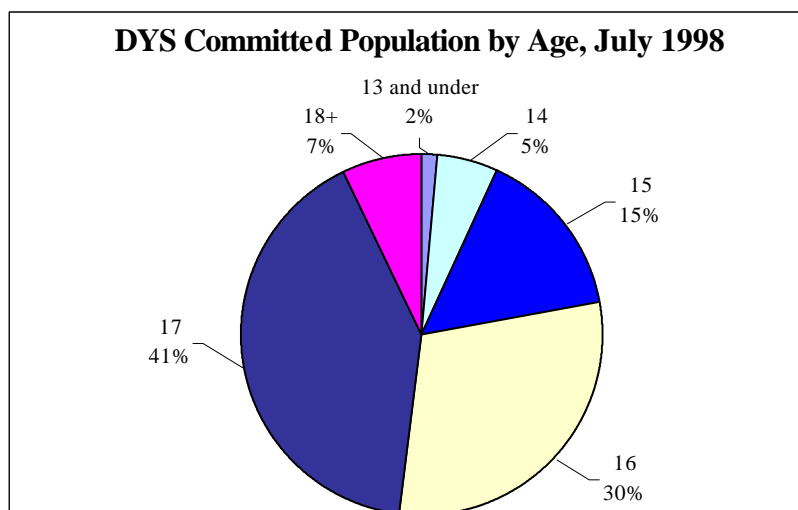
Figure 2-8.



Source: Massachusetts Department of Youth Services, 1998

As of July 1998, the average age of a youth committed to DYS was 16 years and 8 months. The majority of DYS committed youth (41%) were seventeen years old. Youth committed to DYS who were 18 to 22 years of age represented 7.2 percent of the population (Massachusetts Department of Youth Services, 1998).

Figure 2-9.



Source: Massachusetts Department of Youth Services, 1998